



5
4C
15282

Atty. Docket No. S.5373 US

PATENTS

TECH CENTER 1600/2900

OCT 18 2002

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Guy TABACCHI et al.

Confirmation No. 9635

Serial No. 09/888,441

GROUP 1617

Filed June 26, 2001

Examiner Helen Nguyen

NOVEL INVERSE LATICES SELF-
INVERTIBLE WITH RESPECT TO
FATTY ACID ESTERS, AND COSMETIC,
DERMOCOSMETIC, DERMOPHARMACEUTICAL
OR PHARMACEUTICAL COMPOSITIONS
COMPRISING THEM

RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the Restriction requirement imposed in
the outstanding Official Action of August 13, 2002, Applicants
provisionally elect Group I, claims 1-32, drawn to intermediate
compositions, with traverse.

Responsive to the further requirement for an election
of species imposed in the Official Action, Applicants hereby
provisionally elect the compound of claim 1: octyl palmitate
which corresponds to the formula (Ib) of claim 10 wherein:

R1-(C=O) represents a palmitoyl group (hexadecanoyl)
and R3 an octyl group, or the formula (I) of claim 2 wherein:

R1-(C=O) represents a palmitoyl group (hexadecanoyl)
and R3 an octyl group, N = 0 and Q = 0. It is respectfully
submitted that this compound reads on claims 1, 2, 3, 4 and 10.

As for claims 13 and 14, Applicants further provisionally elect Montanov™ 80, which is Sorbitan monooleate ethoxylated with 20 moles of ethylene oxide. It is respectfully submitted that this species reads on claim 14.

As for claims 15-18, Applicants further provisionally elect Simulsol™ SL11 which is an aqueous solution comprising between approximately 40% to 50% by weight of a mixture of alkyl polyglycosides of formula (II) in which G represents the glucose residue, x is equal to approximately 1.45, n is equal to 0 and R4 represents an undecyl radical. It is respectfully submitted that this species reads on claims 15, 17 and 18.

The grounds for traverse as follows:

It is respectfully submitted that the requirement set forth by the outstanding Official Action fails to establish that an unduly extensive and burdensome search is required. Thus, it is respectfully submitted that the restriction requirement and election of species requirement is improper.

Moreover, it is noted that separate classification is no evidence of the propriety of the requirement for restriction. Classification is solely for the convenience of the Patent Office and the searching public, cannot diminish an Applicant's right in any way.

In view of the above remarks, it is respectfully submitted that the outstanding Restriction Requirement is improper and must be withdrawn. It is believed that Applicants

TABACCHI et al. S.N. 09/888,441

are entitled to an action on the merits of all the claims 1-35,
in their full scope in the present application. Such action is
accordingly respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

By

Philip A. DuBois
Philip A. DuBois
Agent for Applicants
Registration No. 50,696
745 South 23rd Street
Arlington, VA 22202
Telephone: 703/521-2297

October 15, 2002